

26
gnd
RECEIVED
JUN 21 2002
PATENT
Attorney Docket No. HAR-001DV
TECH CENTER 1600/2900
RECEIVED
JUN 19 2002
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Strominger et al.
SERIAL NO.: 08/991,628 GROUP NO.: 1644
FILING DATE: November 5, 1997 EXAMINER: DiBrino, M.
TITLE: Preparations for Inducing Immunotolerance and Uses Therefor

Box AF
Commissioner for Patents
Washington, D.C. 20231

**SUBMISSION OF DUPLICATE COPY OF
PREVIOUSLY-FILED APPEAL BRIEF**

Sir:

On June 18, 2002, Applicants were informed telephonically by Examiner DiBrino that Applicants' paper of February 11, 2002 (the Response), responding to the Notice of Non-Compliance with 37 C.F.R. 1.192(c) of October 9, 2001, had not been matched with the application file at the U.S. Patent and Trademark Office. Pursuant to Examiner DiBrino's instructions, Applicants attach a copy of the Response, including a copy of a return postcard that was transmitted with the Response. In accordance with M.P.E.P. § 503, the return postcard itemized the contents of the Response (including a transmittal, a fee transmittal, a petition for an extension of time, Applicants' brief on appeal to the Board of Patent Appeals and Interferences with Appendices A-D, a check in the amount of \$460.00, and the postcard receipt). Applicants note that the return postcard was date-stamped by the U.S. Patent and Trademark Office, indicating receipt of the Response, and according it a filing date of February 11, 2002.

Applicants note that the Response was filed using the "Express Mail Post Office to Addressee" service of the United States Post Office in accordance with 37 C.F.R. § 1.10. Applicants attach a copy of the Express Mail mailing label, showing a "date-in" of February 11, 2002; the mailing label is also stamped with the same date. Applicants note that, as

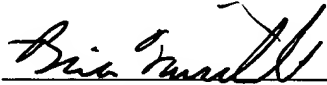
indicated on the attached copy of the Response, the Express Mail Mailing Label No. appeared on each paper forming part of the Response. Accordingly, because the correspondence was received by the Office, as evidenced by the date-stamped return postcard, and was mailed in accordance with 37 C.F.R. § 1.10, Applicants request that the Response be entered in the file and accorded its filing date of February 11, 2002, as provided in 37 C.F.R. § 1.10(a).

Applicants do not believe that any petition or fee should be necessary to have the Response entered and accorded its filing date. If, however, a petition is required, please consider this paper to be a conditional petition to enter the Response and accord it its filing date of February 11, 2002, under 37 C.F.R. § 1.10(e) or under any other regulation as needed. If a fee is required, the Director is authorized to charge the fee to Deposit Account No. 20-0531.

Respectfully submitted,

Signed June 18, 2002, and to be hand-
delivered June 19, 2002
Reg. No. 48,645

Tel. No.: (617) 248-7697
Fax No.: (617) 248-7100



Brian A. Fairchild
Agent for Applicant
Testa, Hurwitz, & Thibeault, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110

2430436

2014713

COPY

HAR-001DV
(6615/3)

The "RECEIVED" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Transmittal (1 pg.); Fee Transmittal (1 pg.); Petition for Extension of Time (1 pg.); Applicants' Brief on Appeal to the Board of Patent Appeals and Interferences (20 pgs.); with an Appendix A (2 pgs), Appendix B (70 pgs), Appendix C (22 pgs.) and Appendix D (4 pgs.); check in the amount of \$460.00; postcard receipt; with each paper and fee having Express Mail Mailing Label No. EL934376550US thereon.

Name of Applicants: Strominger et al.

Serial Number: 08/991,628

Atty: MABresnahan

Date: February 11, 2002



RECEIVED

JUN 21 2002

TECH CENTER 1600/2900